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**FAX**

To:	Company	Fax #:	Telephone #:
1) Examiner K. Horlick Art Unit 1637	U.S. Patent and Trademark Office	(703) 872-9306	(703) 308-3905
2)			
3)			
4)			
5)			

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From: Edwin V. Merkel	Date: October 14, 2003	No. of Pages: 26 (including this page)	
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PATENT

Docket No.: 176/60851 (1-11027-849)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Barry Hall

Serial No. : 09/640,882

Cnfrm. No. : 6458

Filed: : August 18, 2000

For : METHOD OF DETERMINING  
EVOLUTIONARY POTENTIAL OF  
MUTANT RESISTANCE GENES AND USE  
THEREOF TO SCREEN FOR DRUG  
EFFICACYExaminer:  
K. HorlickArt Unit:  
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## CERTIFICATE OF FACSIMILE TRANSMISSION

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Dear Sir:

I hereby certify that the following documents, which were submitted by  
facsimile transmission on October 8, 2003, are being resubmitted by facsimile transmitted to  
the Patent and Trademark Office on the date shown below:

Transmittal Form;  
Petition for Extension of Time Under 37 CFR 1.136(a);  
Fee Transmittal; and  
Amendment (13 pages) with Exhibit A.

Respectfully submitted,

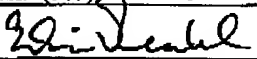
Date: October 14, 2003  
Edwin V. Merkel  
Registration No. 40,087

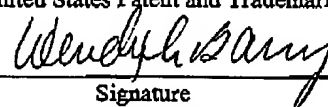
Nixon Peabody LLP  
Clinton Square, P. O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1128  
Facsimile: (585) 263-1600

R719824.1

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/640,882
		Filing Date	August 18, 2000
		First Named Inventor	Barry Hall
		Group Art Unit	1637
		Examiner Name	K. Horlick
Total Number of Pages in This Submission	24	Attorney Docket Number	176/60851 (1-11027-849)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment with Exhibit A <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Edwin V. Merkel Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1128 Fax: (585) 263-1600
Signature	 Registration No. 40,087
Date	October 8, 2003

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<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-0294.	
Date 10/08/03	Signature  Wendy L. Barry Typed or printed name

# **FEE TRANSMITTAL FOR FY 2003**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$1,005

*plate if known*  
Application Number 09/648,222  
Filing Date August 18, 2000  
First Named Inventor Barry Hall  
Examiner Name K. Horlick  
Art Unit 1637  
Attorney Docket No. 176/60851 (1-11027-849)

## **METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 14-1138

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)** (\$ 0

### **2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims 41 -63\*\* = 0 X Fee from below = 0 Fee Paid

Independent Claims 3 -6\*\* = 0 X Fee from below = 0 Fee Paid

Multiple Dependent X Fee from below = 0 Fee Paid

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claims, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$ 0

\*\*or number previously paid, if greater; For Reissues, see above

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or osh	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	2812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	2804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	1005
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	2807	50	Processing fee under 37 CFR 1.17(g)	
1806	180	2806	180	Submission of Information Disclosure Sum	
8021	40	2821	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	2802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$1,005

## **CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

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10/09/03  
Date

*Wendy L. Barry*  
Signature  
Wendy L. Barry  
Typed or printed name

## **SUBMITTED BY**

Name (Print/Type) Edwin V. Merkel  
Signature *Edwin V. Merkel*

Registration No. 40,087  
(Attorney/Agent)

## **Complete (if applicable)**

Telephone (585) 263-1128  
Date October 9, 2003

SEND TO: Commissioner for Patents  
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